

## **REMARKS**

The Office Action identified all 18 pending claims as being subject to a restriction requirement. The claims have been divided into three groups, claims 1-9 drawn to a network rack (group I), claims 10-16 drawn to a network rack (group II) and claims 17-18 drawn to a network rack (group III).

The Office Action indicated that each group of claims is a distinct invention. More specifically, the Office Action indicates that claims 1-9 and claims 10-16 are related as subcombinations disclosed as usable together in a single combination. However, the Office Action indicates that the subcombinations are distinct from each other since claims 1-9 have separate utility such as use without the specifics of the posts.

The Office Action also indicates that claims 1-9 and claims 17-18 are related as subcombinations disclosed as usable together in a single combination. However, the Office Action indicates that the subcombinations are distinct from each other since claims 1-9 have separate utility such as use without a cutout.

Finally, the Office Action indicates that claims 10-16 and claims 17-18 are related as subcombinations disclosed as usable together in a single combination. However, the Office Action indicates that the subcombinations are distinct from each other since claims 10-16 have separate utility such as use without a cutout and claims 17-18 have separate utility such as use without the specifics of the posts.

Applicant respectfully traverses this restriction requirement. The Office Action indicates that the three groups of claims are each directed to a network rack and are classified in class 211, subclass 026. The Office Action indicates that the search required for claims 10-16 (group II) is not the same for claims 1-9 and claims 17-18 (groups I and


III), however, the Office Action does not provide an appropriate explanation as to the different field of search for each group of network racks. It is believed that it is necessary to search for the "distinct" network racks in various subclasses of class 211 where art pertinent to all of the "distinct" network racks exists.

Where the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reason exists for dividing the related inventions. (MPEP § 808.02) Furthermore, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (MPEP § 803) As such, Applicant respectfully traverses the restriction requirement.

Pursuant to 37 C.F.R. 1.143, Applicant provisionally elects to prosecute claims 1-9, identified by the Examiner as group I.

Respectfully submitted,

Dated: January 24, 2005

  
Aimee E. McVady  
Reg. No. 48,720  
Attorney for Applicant

Panduit Corp.  
Legal Department - TP12  
17301 S. Ridgeland Avenue  
Tinley Park, Illinois 60477-3091  
(708) 532-1800, Ext. 1302